

REMARKS

By this Amendment, Applicants have canceled non-elected claims 1-48 and 58-118 without prejudice or disclaimer. Applicants reserve the right to re-present the subject matter of claims 1-48 and 58-118 in a related application. Applicants have also canceled claims 49, 51, 52, 56, and 57 without prejudice or disclaimer and have added new claims 119-138 to further define the invention. Claims 50, 53, and 54 have been amended as necessary to correct for dependency and antecedent basis. New claim 119 includes the subject matter of original claim 49 as well as additional subject matter. Applicants submit that new claims 119-138 are method claims and as such are properly drawn to previously elected group II. Applicants further submit that claims 119-128 read on the elected species of group 1 and that claims 129-138 are generic.

In the outstanding final Office Action, claims 49-51, 54, and 55 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,432,185 to Geisinger (“Geisinger”); and claims 52, 53, 56, and 57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Geisinger in view of U.S. Patent No. 6,453,643 to Buscherini et al. (“Buscherini”).

Applicants submit that the rejection of independent claim 49 as being anticipated by Geisinger is moot. In so far as the rejection would be applied to new independent claims 119 and 129, Applicants provide the following comments.

Geisinger discloses a pallet wrapper having a roping mechanism (42) including an arm (44) that engages a web (50) to gather or push together the web (50) into a roped shape (46) and wedge it into a loop (45) of the arm (44). (Column 4, Lines 63-68). Geisinger fails to disclose or suggest rolling a portion of a film web into a cable, as

recited in claim 119. Rather, Geisinger's folded web is a conventional rope (46) of film, created by gathering the web (50). FIGS. 2, 4-7, and 8-13 in Geisinger show the process and result of folding/gathering web 50 into rope 46. This conventional gathered rope (46) does not have structural integrity, as explained in the specification at page 6, paragraph 12. These arguments were previously presented in the Amendment filed on July 13.

In response to these arguments, the Examiner argues on page 4 of the final Office Action that Geisinger discloses rolling a portion of the film web into a cable. The Examiner states that:

Geisinger clearly discloses the claimed "rolling a portion of the film web into a cable;," which is clearly shown in FIG. 4; via web 50 is rolled out from its roller toward the pallet to form a cable around the package as shown in FIGS. 5 and 6. Alternatively, web 50 is rolled around the package as shown in FIGS. 5-7 and 14; via rolled members 43, 44, 47, and loop 45."

Applicants respectfully traverse these arguments presented by the Examiner. Applicants believe that the Examiner has confused unwinding the film from the film roll and wrapping it around the load of Geisinger, as these terms are understood in the art, with rolling an edge portion of the film web into a rolled cable of film as required by claim 119 and taught by this application (see Fig. 2C of this application).

With regard to FIGS. 4-7 and 14, Geisinger only shows folding/gathering the web 50 as opposed to rolling a portion of the web 50 into the rope 46. The assertion that the rope 46 is folded/gathered is further supported by the visible folds shown on the rope 46 and the web 50 in FIGS. 4-7 and 14. Furthermore, while the web 50 may be wrapped around the package via members 43, 44, 47, and 45, it is irrelevant to the claimed "rolling a portion of the film web into a cable." The fact remains that as the web 50

travels over the members 43, 44, 45, and 47, it is folded/gathered into rope 46 and is not rolled. Thus, Geisinger only discloses folding/gathering the web 50 into the rope 46, rather than rolling a portion of a film web into a cable, as recited in claim 49.

The distinction between rolling film into a cable as recited in claim 119 and gathering film into a conventional rope as performed by Geisinger, as well as some of the benefits achieved by rolling the film according to the present invention, are discussed on pages 17-19, paragraphs 66-70, of the specification. In particular, rolling the film results in a cable of film that is substantially stronger than a web of film and has structural integrity that a conventional gathered rope of film lacks. This structural integrity makes the cable stronger and less susceptible to damage than a conventional gathered rope of film.

Figures 4 and 6 of Geisinger show gathering and folding the film web into a conventional rope of film. Nothing in Geisinger discloses or suggests rolling a portion of the film web to form a cable.

Accordingly, for at least the above reasons, Geisinger does not disclose or suggest the invention as set forth in independent claim 119, and therefore cannot anticipate claim 119 or claims 50, 54, 55, and 120-128 that depend either directly or indirectly therefrom. Reconsideration is requested.

With regard to new claims 129-138, Geisinger does not disclose or suggest the invention as claimed. Applicants request consideration and allowance of new claims 129-138.

Applicants also respectfully traverse the rejection of claims 52, 53, 56, and 57 as being unpatentable over Geisinger in view of Buscherini. Claims 52, 56, and 57 have

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been canceled. Claim 53 depends directly from independent claim 119. As discussed above with regard to independent claim 119, Geisinger does not disclose or suggest rolling a portion of a film web into a cable, as recited in independent claim 119. Buscherini does not remedy this deficiency of Geisinger. For at least this reason, neither Geisinger or Buscherini, either alone or in combination, renders claim 53 obvious. Reconsideration is requested.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In view of the foregoing remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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